

## Nuclear Regulatory Commission

## § 10.10

and will afford those individuals described in § 10.2 the opportunity for administrative review of questions concerning their eligibility for access authorization and/or employment clearance.

### § 10.5 Definitions.

*Access authorization* means an administrative determination that an individual (including a consultant) who is employed by or an applicant for employment with the NRC, NRC contractors, agents, and licensees of the NRC, or other person designated by the Deputy Executive Director for Corporate Management and Chief Information Officer, is eligible for a security clearance for access to Restricted Data or National Security Information.

*Commission* means the Nuclear Regulatory Commission of five members or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, or its designee.

*Eligible or Eligibility* means both initial eligibility and continued eligibility of an individual for access authorization and/or employment clearance.

*Employment Clearance* means an administrative determination that an individual (including a consultant) who is an NRC employee or applicant for NRC employment and other persons designated by the Deputy Executive Director for Corporate Management and Chief Information Officer of the NRC is eligible for employment or continued employment pursuant to subsection 145(b) of the Atomic Energy Act of 1954, as amended.

*Hearing Counsel* means an NRC attorney assigned by the General Counsel to prepare and administer hearings in accordance with this part.

*Hearing Examiner* means a qualified attorney appointed by the Director, Office of Administration, to conduct a hearing in accordance with this part.

*National Security Information* means information that has been determined under Executive Order 13526 or any predecessor or successor order to require protection against unauthorized disclosure and that is so designated.

*NRC Personnel Security Review Panel* means an appeal panel appointed by

the Deputy Executive Director for Corporate Management and Chief Information Officer and consisting of three members, two of whom shall be selected from outside the security field. One member of the Panel shall be designated as Chairman.

*Personnel Security Review Examiners* are persons designated by the Executive Director for Operations to conduct a review of the record in accordance with this part.

*Restricted Data* means all data concerning design, manufacture, or utilization of atomic weapons, the production of special nuclear material, or the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act of 1954, as amended.

[47 FR 38676, Sept. 2, 1982, as amended at 51 FR 35999, Oct. 8, 1986; 52 FR 31609, Aug. 21, 1987; 54 FR 53316, Dec. 28, 1989; 64 FR 15641, Apr. 1, 1999; 75 FR 73938, Nov. 30, 2010]

## Subpart B—Criteria for Determining Eligibility for Access to Restricted Data or National Security Information or an Employment Clearance

### § 10.10 Application of the criteria.

(a) The decision as to access authorization and/or employment clearance is a comprehensive, common-sense judgment, made after consideration of all the information, favorable or unfavorable, relevant to whether the granting of access authorization and/or employment clearance would not endanger the common defense and security and would be clearly consistent with the national interest.

(b) The criteria in § 10.11 set forth a number of the types of derogatory information used to assist in making determinations of eligibility for access authorization and/or employment clearance. These criteria are not exhaustive but contain the principal types of derogatory information which create a question as to the individual's eligibility for access authorization and/or employment clearance. While there must necessarily be adherence to such criteria, the NRC is not limited to